

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
May 11, 2004**

I. CALL TO ORDER

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

BOARD MEMBERS PRESENT:

Bruce Shelton, MD, MD(H), President
Charles Schwengel, DO, MD(H), Vice President
Joan Heskett, Sec/Treasurer
Garry Gordon, MD, DO, MD(H)
Anna Marie Prassa
Annemarie Welch, MD, MD(H)

BOARD MEMBERS ABSENT:

Anna Marie Prassa

Marc Harris, Assistant Attorney General, Christine Springer, Executive Director and members of the public were also present.

II. REVIEW, DISCUSS, and ACTION: PREVIOUS MEETING MINUTES

Dr. Gordon made a motion adopting the March 9, 2004 Regular Meeting Minutes noting one correction at the bottom of page 4 to reflect the year 2005 (rather than 2004) as the date of the onset of the sunset review process. Motion seconded by Ms. Prassa and passed unanimously.

A motion approving the May 11, 2004, Executive Session Minutes was made by Ms. Prassa and seconded by Mrs. Heskett. Motion passed unanimously.

III. BOARD APPOINTMENTS – DISCUSSION

General discussion was held regarding board appointments. Dr. Shelton urged those members who wished to continue serving to send a letter informing Governor Napolitano of their interest in remaining on the board.

IV. REVIEW, DISCUSS, AND POSSIBLE ACTION – LICENSE REVIEWS

a. Rick Shackett, D.O., MD(H) – Request to Review and Amend License Suspension and Approve/Disapprove Physician Practice Monitor

The board contacted Dr. Shackett by telephone. Robert Gear, N.D., who had agreed to sponsor Dr. Shackett as a physician practice monitor was present for the discussion. The terms of Dr. Shackett's probation and compliance with a consent agreement were discussed. Dr. Shackett indicated final release from the half-way house should become effective on August 2, 2004.

Ms. Prassa asked Dr. Gear why he had agreed to sponsor Dr. Shackett as his practice monitor. Dr. Gear responded that he believed Dr. Shackett was a competent physician and that he was confident they could work well together.

Ms. Prassa clarified some of the terms of the consent agreement imposed upon Dr. Shackett with the Assistant Attorney General (A.A.G), Marc Harris. She indicated she was not comfortable with the six month term of probation indicated in the consent agreement. A.A.G. Harris directed the board's attention to the consent agreement (page 5, paragraph 7) and the documentation that Dr. Shackett would supply to the board upon his release from the half-way house.

Dr. Gordon made a motion approving Dr. Shackett's request to begin monitored practice with Dr. Gear dependent upon the provision of documentation to the board showing his release from the half way house and any other prison obligations. As part of the motion he included a requirement that Dr. Shackett appear before the Board at the September 14, 2004 meeting. Motion seconded by Dr. Welch and passed unanimously.

b. Ellis Browning, MD(H) Review Annual Compliance Report

As prearranged, the Board attempted to contact Dr. Browning by telephone. Since Dr. Browning was unavailable the report review pursuant to the terms of a consent agreement and order was deferred to the next regular meeting.

c. Charles Crosby, D.O. application review

Charles Crosby, D.O. was present during the consideration of his application review. He responded to questions from the board about a statement made in his application of a loss of social inhibitions. Dr. Crosby explained that although no complaints had been made to any state licensing board he had completed ten months of therapy regarding a perceived loss of social inhibition. He also elaborated on information from the State of Virginia concerning a notice of hearing that was dismissed with no violations. The board accepted Dr. Crosby's application with a request that he supply an additional reference letter (to replace Dr. Trueblood's written reference) and that verification of completion of Dr. Todd Rowe's 40 hour course of classical homeopathy be received by the board.

Dr. Crosby completed the oral examination and his passage of the written examination was confirmed. Dr. Gordon moved the approve Dr. Crosby's application dependent upon receipt of the following additional documents: 1)a written reference from Dr. Pomeroy (to replace the reference supplied by Dr. Trueblood) and 2) certificate of completion of Dr. Todd Rowe's 40 hour course of classical homeopathy. Dr. Schwengel seconded the motion that passed with a majority vote. Mrs. Heskett and Ms. Prassa opposed the motion and voted nay.

V. REVIEW, DISCUSS: REGISTRATIONS – MEDICAL ASSISTANTS

Dr. Gordon made a motion approving the homeopathic medical assistant application submitted by Peggy Fread (supervisory physician Dr. Todd Rowe). Motion seconded by Mrs. Heskett and passed with a majority vote. Dr. Shelton was recused from the vote.

Dr. Gordon made a motion approving the application for homeopathic medical assistant submitted by Bernadette Massari (supervisory physician Dr. David Korn). Mrs. Heskett seconded the motion that passed unanimously.

VI. REVIEW, DISCUSS AND ACTION REGARDING INVESTIGATIONS, COMPLAINTS AND ADVISORY LETTERS

A.. Previous Matters

LC2003-000767DT Fry vs. Board

A.A.G. Harris advised the board that the judge in the Superior Court had dismissed the case with prejudice.

B. New Complaints/Investigations

04-05 Eleazar Kadile, MD, MD(H)

Dr. Gordon recused himself during this agenda item. There was a brief discussion of the information that had been provided for the board's review. Dr. Shelton noted that Dr. Kadile had been sanctioned by the State of Wisconsin for providing chelation therapy which was a recognized practice modality under A.R.S. 32-2901 et.seq. The board declined to open an investigation stating that Dr. Kadile was practicing a recognized homeopathic modality and had not violated Arizona homeopathic laws.

VII. LEGISLATION/RULES – REVIEW, DISCUSS AND POSSIBLE ACTION

1. Chris Springer reported that the Five Year Review for Title 4, Chapter 38, Articles 1, 3, and 4 had been accepted by the Governor's Regulatory Review Council during their April meeting.
2. Dr. Gordon made a motion adopting proposed language amending Article 1 of Title 4, Chapter 38. Motion seconded by Ms. Prassa and passed unanimously. Mrs. Springer was directed to file the notice of final rulemaking at the office of the Secretary of State.
3. The board discussed changes recommended by the GRRC analyst to Article 3 concerning medical assistants. Most of the changes are easily incorporated. However, standards for board approved programs will need to be developed and incorporated into the proposed rules. Ms. Springer will review standards published at the CHE (Council for Homeopathic Education).

VIII. PROFESSIONAL BUSINESS – REVIEW, DISCUSS AND POSSIBLE ACTION

1. Dr. Gordon made a motion approving informed consents and protocols filed by Burton Berkson, MD(H). Motion seconded by Dr. Schwengel and passed unanimously.
2. Dr. Schwengle chaired this portion of the meeting regarding proposed rules exempting prescription-only homeopathic drugs from the collection of sales tax. Dr. Shelton recused himself from the discussion. Mrs. Springer was directed to contact Hsin Psi of the Department of Revenue and confirm their receipt of the board's correspondence regarding serving as chart reviewers in disputed cases. After the new rules are approved all licensees will be notified.

3. The general discussion regarding application procedures was not discussed. The current procedure will remain in effect.

4. Mrs. Springer reported that 107 licensees had renewed. Three physicians had allowed their license to lapse. Projected revenues had been met. For fiscal year 04.

IX. CALL TO THE PUBLIC

Public comment by Amany Jacobs concerning the approval of Dr. Crosby and his knowledge of classical homeopathy. She commended the two public members on their strong stance to protect the public.

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 11:20 p.m. following a motion by Ms. Prassa. Mrs. Heskett seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **July 20, 2004**.

Respectfully Submitted,

Christine Springer
Executive Director